

# EXHIBIT A

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COMMONWEALTH OF MASSACHUSETTS

NORFOLK COUNTY

NORFOLK SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT

LISA ROULEAU,  
Plaintiff,

vs

BANANA REPUBLIC, LLC &  
THE GAP, INC.,  
Defendants,

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Case No.: 2182CV01077

COMPLAINT

PARTIES AND JURISDICTION

1. At all material times hereto, Plaintiff, Lisa Rouleau, ("Plaintiff"), was a resident of the City of Cranston, County of Providence, State of Rhode Island.

2. Upon information and belief, at all times material hereto, Defendant, Banana Republic, LLC, ("Defendant Banana"), was a foreign limited liability company, organized under the laws of the State of Delaware, with a principal place of business located at 2 Folsom Street, in the City of San Francisco, County of San Francisco, State of California, with sufficient minimum contacts with the Commonwealth of Massachusetts to be subject to the jurisdiction of this Honorable Court.

3. Upon information and belief, at all times material hereto, Defendant, The Gap, Inc., ("Defendant GAP"), was a foreign corporation, organized under the laws of the State of Delaware, with a principal place of business located at 2 Folsom Street, in the City of San Francisco, County of San Francisco, State of California, with sufficient minimum contacts with the Commonwealth

of Massachusetts to be subject to the jurisdiction of this Honorable Court, and was the owner of Defendant Banana.

4. Defendant Banana and Defendant GAP shall together be referred to as the "Defendants."

5. Upon information and belief, the Defendants possess sufficient minimum contacts with the Commonwealth of Massachusetts to be subject to the jurisdiction of this Honorable Court.

6. The amount in controversy, the nature of the controversy, and the relief requested are sufficient to establish the jurisdiction of this Honorable Court.

#### **FACTS**

7. Plaintiff repeats, re-alleges, and incorporates by reference each and every allegation alleged herein.

8. On or about December 6, 2018, Defendants owned and operated a Banana Republic Factory Store, located at 1 Premium, Outlet Boulevard, Suite 550, in the Town of Wrentham, County of Norfolk, Commonwealth of Massachusetts, (the "Premises").

9. At all times material hereto, Defendants were responsible for the care, custody, control, and maintenance of the Premises.

10. On or about December 6, 2018, Plaintiff was lawfully at the Premises when a dangerous condition then existing on the Premises, namely a box that was stored and/or allowed to exist underneath a clothing rack, and protruded out into the aisle, caused Plaintiff to trip and fall, and sustain severe personal injuries.

#### **COUNT I** **NEGLIGENCE**

11. Plaintiff repeats, re-alleges, and incorporates by reference each and every allegation herein pleaded.

12. Defendants owed the Plaintiff a duty to exercise reasonable care for her safety as an individual reasonably expected to enter the Premises.

13. Said duties included an obligation to refrain from creating a dangerous condition and/or to protect Plaintiff against the risk of a dangerous condition existing at the Premises once Defendants had actual or constructive notice of the same.

14. Defendants breached their duties of care to Plaintiff, by their actions in creating a dangerous condition including, but not limited to, storing and/or allowing a box to exist underneath a clothing rack, which protruded out into the aisle; by their actions in carelessly and negligently maintaining the Premises by storing and/or allowing a box to exist underneath a clothing rack, which protruded out into the aisle, which created a dangerous condition; and by their actions in carelessly and negligently allowing the dangerous condition to exist on the Premises without adequate precautions, warnings and/or security, which caused Plaintiff to trip and fall, and sustain severe and permanent injuries.

15. The incident and resulting injuries to Plaintiff were caused by the negligence of the Defendants without any negligence on the part of Plaintiff.

16. As a direct and proximate cause of the said breaches of the Defendants' duties of care owed to Plaintiff, Plaintiff sustained severe, debilitating, and permanent injuries to her body and has endured continued pain, anguish, and discomfort.

17. As a further result of the negligence of the Defendants, Plaintiff was hospitalized, and incurred large expenses associated her medical treatment for the injuries that she sustained as a result of her trip and fall, including hospital bills, doctor bills, nurses' fees, and various medical treatments.

**COUNT II**  
**RES IPSA LOQUITUR**

18. Plaintiff repeats, re-alleges, and incorporates by reference each and every allegation alleged herein.

17. At all times material hereto, Defendants exercised complete dominion and control over the Premises.

18. The events set forth in this Complaint would not have occurred in the absence of negligence by the Defendants.

**WHEREFORE**, Plaintiff, Lisa Rouleau, respectfully requests that this Honorable Court:

1. Grant judgment in favor of the Plaintiff and against the Defendants on all of the Counts contained in Plaintiff's Complaint;
2. Award Plaintiff compensatory damages;
3. Award Plaintiff's attorneys fees, costs, and interest; and
4. Grant such other and further relief as this Honorable Court deems just and proper.

**JURY CLAIM**

**PLAINTIFF HEREBY DEMANDS A JURY TRIAL AS TO ALL TRIABLE ISSUES  
OF RIGHT.**

Plaintiff,  
Lisa Rouleau,  
By her Attorneys,

/s/ Heather M. Spellman  
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**Date: December 1, 2021**